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LETTER DATED 22 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a communiqué issued on 17 December 1998 at Ougadougou at the fourth ordinary session of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution, at the level of heads of State and Government (see annex I), as well as a transcribed impromptu statement delivered on 17 December 1998 by Prime Minister Meles Zenawi at the Fourth OAU Central Organ Summit (see annex II).

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex I

Communiqué issued on 17 December 1998 at the fourth ordinary session of the central organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, at the level of heads of State and Government

The Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution held its fourth ordinary session at the level of heads of State and Government at Ougadougou on 17 December 1998. The session was chaired by Blaise Compaore, President of Burkina Faso and current Chairman of OAU. At the end of its deliberations, the Central Organ decided as follows:

On the dispute between Ethiopia and Eritrea

The Central Organ considered the report of the OAU High-level Delegation on the dispute between Ethiopia and Eritrea. It congratulated the Delegation on the commendable efforts it had made in order to promote a peaceful and comprehensive solution to the dispute.

The Central Organ took note of the respective positions of the two Parties on the proposals of the High-Level Delegation.

The Central Organ endorsed the proposals for a framework agreement submitted by the OAU High-Level Delegation to the two Parties, which constituted an appropriate framework for the resolution of the dispute between Ethiopia and Eritrea.

The Central Organ commended the two Parties for the confidence that they continue to place in the OAU and for the cooperation that they extended to the OAU High-Level Delegation in the execution of its mandate, as well as the restraint that they had shown.

The Central Organ requested the OAU High-Level Delegation to remain seized of the dispute, and called on the two Parties to continue to cooperate with the Delegation with a view to creating the necessary conditions for a speedy implementation of the framework agreement. The Central Organ further urged both Parties to continue to exercise restraint.

Annex II

Transcribed impromptu statement delivered on 17 December 1998 by Prime Minister Meles Zenawi at the Fourth Organization of African Unity Central Organ Summit

In his introduction, the Chairman stated that Africa needs to resolve its problems on the basis of objectivity, neutrality and adherence to the Charter principles of the Organization of African Unity (OAU). Ethiopia and Eritrea were seen by most of you and were mistaken by most of you as Siamese twins because right up to 6 May 1998 we were resolving our problem peacefully and through negotiations.

What happened on 6 May 1998, however, is a turning point in our relations. Three or four days after the Joint Ethio-Eritrean border commission met at Addis Ababa - the last Joint Commission meeting with the Eritrean delegation led by their Defence Minister - Eritrean tanks rolled into our territory, occupied our land, which they claimed belong to them, ejected the Administration which was in place and which was constituted through election based on our Constitution, displaced close to a quarter of a million people and transformed into another problem what had hitherto been a normal border dispute, a normal border dispute that was being resolved peacefully on the basis of inviolability of the colonial boundaries. It was transformed into something different. It was transformed into an aggression of a neighbouring country. At that stage, we said "No.! This is unacceptable, this is against the Charter of OAU. This is against the accepted principle of international law. Border disputes are never resolved or should never be resolved by resorting to force".

Having a border dispute is something that we unfortunately have to live with all over the continent and try to resolve peacefully. Invading your neighbour because of such a dispute is an altogether different thing. So we asked the Eritrean Government to withdraw from the territory that it had occupied by force and agree to resolve the problem peacefully, including through international mediation, to delimitate and demarcate our boundaries.

We both asked our mutual friends, Rwanda and the United States of America, who came in to help and had an extensive discussion and came up with a proposal. The proposal was consistent with the principles of OAU. It was consistent insofar as it clearly stated that the border dispute cannot and must not be resolved by force. It must be resolved peacefully, and so the facilitators stated that the border between Eritrea and Ethiopia should be delimitated and demarcated on the basis of the colonial treaties. But the facilitators also stated that for that to happen, another principle of international law has to be respected. This is that aggression does not and cannot pay. So the facilitators stated that on the basis of international law, under such circumstances, what was done by force must be undone. There must be a return to the status quo ante. The Eritrean forces must withdraw from the areas that they have occupied and the duly constituted Administration, which was on the ground and which was an Ethiopian Administration when the Eritrean tanks rolled into Ethiopia, must be reinstated. The border dispute can then be resolved peacefully through arbitration, if necessary.

Because the proposal of the facilitators was consistent with the OAU Charter and with international law, we accepted that package. It was not accepted by Eritrea. In the meantime, OAU took over the issue, and at its last Summit on 10 June 1998 it asked both sides to accept the recommendation of the facilitators and implement them. We accepted the OAU decision. Eritrea rejected it. OAU also mandated the High-Level Delegation to deal with this issue, and through a process that has taken more than six months the OAU High-Level Delegation came up with its recommendation on 7 November 1998, which was consistent again with these same principles:

(a) That colonial boundaries are sacrosanct;

(b) That a border dispute cannot and must not be resolved by force;

(c) If and when a country resorts to the use of force, a peaceful resolution of the problem must start by undoing the result of that aggression and by ensuring a return to the status quo ante.

The OAU High-Level Delegation's recommendation was consistent with all the above principles because it called on Eritrea to withdraw from the territories it had occupied; called for the return of the Ethiopian Administration, which was on the ground on 6 May 1998; and for the resolution of the underlying border dispute through delimitation and demarcation of the border based on colonial treaties.

Once again, we accepted that package. I wrote to the Chairman of OAU, informing him of our formal acceptance of this proposal. The response of Eritrea to this proposal contained in the report by the Secretary-General of OAU, in particular the addendum to that report which has been circulated today, is indeed the final answer from Eritrea, and appears to be, once more, the rejection of this proposal. This time, the rejection has been presented in the form of tens of questions that have been posed to the High-Level Delegation, which in effect add up to rejection.

Therefore, when OAU addresses this issue, it must, as the Chairman said, address it on the basis not only of objectivity and neutrality but also on the basis of adhering to its own Charter and to its own principles. This must apply across the board. Whether it is a dispute between Eritrea and Ethiopia or whether it is a dispute anywhere else in the world, this must be the approach.

There is an additional reason why OAU must insist that aggression cannot and must not pay, that what was done by force must be undone first if there is going to be peace, that we have to return to the status quo ante if we are going to delimit and demarcate our borders peacefully. There is a specific additional reason why OAU must insist in this particular case.

OAU must insist in all cases, but there is an additional reason why OAU must insist in this specific case.

Eritrea has five neighbours, three on this side of the border and two on the other side of the Red Sea. Eritrea has formally been independent for almost

five years now. In five years, Eritrea has done the following with regard to its neighbours:

(a) First came the Sudan. As you probably know, we had a dispute with the Sudan. We had a case against Sudan and we raised it at OAU and we raised it at the Security Council. In the case of Eritrea, it officially and publicly declared that it was prepared to arm anybody who was prepared to remove the Government in Sudan. I am not an advocate for the Sudan and the Sudan is capable of explaining its positions. But we have a principle, we have a Charter which says that it is not the business of a neighbouring country to change the composition of the Government of its neighbour by force of arms. That Charter was openly and blatantly violated by Eritrea;

(b) Then came Yemen across the Red Sea. Once again on the basis of this map, the Eritrean Government sent its troops and occupied Hanish Island. Many neighbours intervened and in the end the two countries agreed to resolve this conflict through arbitration, Eritrea appointing its own person to the arbitral tribunal, Yemen doing the same and a third neutral member being appointed to the tribunal. In the end the tribunal, including the member of the tribunal who was nominated by Eritrea, decided unanimously that the Island belongs to Yemen;

(c) Third came Djibouti. The Eritrean Government published a new map which included a sizeable part of Djibouti, sent troops to some border police post in Djibouti and temporarily occupied this territory. The region was outraged and of course Djibouti was also outraged. Fortunately, Djibouti was not alone in defending its sovereignty; it had powerful friends, and Eritrea withdrew in time before Djibouti and its powerful friends were forced to react by force. In a few days, we were able to defuse this tension;

(d) Lastly comes Ethiopia. So in five years, four of Eritrea's five neighbours had been assaulted and attacked. The only neighbour which has so far not been assaulted is Saudi Arabia. It is anybody's guess if and when that is going to happen.

So there is a pattern of behaviour here; Ethiopia was attacked as part of that pattern of behaviour. This is not a freak event. This is a pattern of behaviour of openly flaunting and openly rejecting the core principles of civilized conduct among nations; of shooting first and talking later; of undue and exaggerated belief in one's military might and invincibility; of belief in might is right.

Those who requested that this be stopped have also been unceremoniously treated.

OAU mandated four heads of State and the Secretary-General of OAU to help us to resolve this problem. The first to go was Rwanda. It was made abundantly clear to the Rwandese Government that they were not welcome as part of this delegation and they withdrew.

The second to be assaulted was the Secretary-General. The Eritrean Government publicly issued statements casting doubt about the integrity of the Secretary-General. The third to go was Djibouti.

So four of Eritrea's five neighbours have been assaulted. Three of the five members of the delegation that OAU appointed to help us have been assaulted. This is an unacceptable pattern of behaviour. This is a source of continued instability in the region.

We are not asking OAU to stick to its principles just because it is Ethiopia. We are not asking it to stick to its principles just because this is a freak event. We are asking OAU to stick to its principles because this a very dangerous pattern of behaviour, because it is based on the belief in the invincibility of the Eritrean army. This is based on a principle that if you shoot first and talk later, you are more likely than not to get away with it. For after all, they seem to have gotten away with nearly all their adventures. That of Yemen they shot first and talked later. The judges decided that the Eritreans have no right being in Hanish Island and they got away with it. Same thing in Djibouti.

Perhaps they hoped that they will get away with it once again in Ethiopia. If they get away with it, if they get away with shooting first and talking later, if they get away with the concept that might is right, if they get away with the concept that invasion pays, they will come back again to haunt the region; they will come back again to haunt all of you.

OAU is our first line of defence. OAU is the first line of defence of every country in Africa because it has a correct Charter and principles that allow it to resolve problems peacefully. So even the mightiest of African countries have to come to OAU if their sovereignty has been violated.

OAU can also be the second line of defence or it can be the last line of defence. In instances where the powerful try to gobble up the relatively powerless, the powerless may come to OAU as the last line of defence to ask it to defend their sovereignty. OAU is our preferred and first line of defence. We are not coming to you because OAU is our last line of defence.